IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3050 OF 2005

Ajaykumar Kedarnath Sharma @
Rupeshkumar Satyanarayan Yadav
@ Bara ...Applicant

Versus

The State of Maharashtra ...Respondent

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Mr. L.H. Belindage, Advocate for Applicant

Mr. Y.S. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 30TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The applicant is seeking bail in C.R. No. 210 of 2000 of Nagpada police station. The said case is under Sections 397, 342 of I.P.C. and 3, 25(1) (c) of the Arms Act.

3. The learned advocate for the applicant has submitted that the applicant was arrested on 9.8.2004 and the investigation in the said case is over. Hence, she has submitted that the further custody of the applicant is not required. Thereafter, she has submitted that there is delay in holding the

identification parade and hence the identification in such parade cannot be relied upon.

4. In the present case it is seen that the complainant have identified the applicant. The delay in holding the parade is an aspect which can be appreciated only after the evidence id led. There is also recovery of mobile phone at the instance of the present applicant. Besides the present incident, the applicant is involved in similar types of cases which are registered at Kapoor Bavdi police station, Wagle Estate Police Station and Rabale Police station. In such case, it is apprehended by the prosecution and rightly so that if the applicant is released on bail, he will indulge in similar types of offences in future. Thus, in view of the above facts, in my opinion, this is not a fit case to release the applicant on bail.

5. Application is rejected.

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